



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened by way of conference call in response to the Applicant's application to recover double the security deposit; and to recover the filing fee from the Respondent for the cost of this application.

The Applicant and an agent for the Respondent attended the conference call hearing, gave sworn testimony and were given the opportunity to cross examine each other. The Applicant provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. The Respondent's agent confirmed receipt of evidence. All evidence and testimony of the parties has been reviewed and are considered in this decision.

Preliminary Issues

The parties agreed that the Applicant occasionally shared bathroom facilities with the owner of the property and both parties shared kitchen facilities.

Analysis

Section (4) (c) of the *Act* states the *Act* does not apply to living accommodation in which the Applicant shares bathroom or kitchen facilities with the owner of that accommodation.

In this case, I find that the Applicant and Respondent agreed that they did share kitchen facilities and occasionally shared bathroom facilities. As a result, I find that based on this, the *Act* does not apply and therefore I must decline jurisdiction in this matter.

The application is dismissed pursuant to section 62(4)(b) of the *Act*. However, the Applicant is at liberty to pursue these matters using other legal remedies.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 20, 2015

Residential Tenancy Branch

